

South Dakota Science and Technology Authority Board of Directors
Special Telephonic Meeting Minutes
Thursday, February 21, 2019
Lead, South Dakota

The Board of Directors of the South Dakota Science and Technology Authority (SDSTA) convened at 9:30 a.m. Mountain Time (MT) on Thursday, February 21, 2019, via teleconference. Listening posts for the public were established at the office of the SDSTA at 630 E. Summit Street, Lead, South Dakota, and at the Dolly-Reed Plaza in the Treehouse conference room, 711 East Wells Avenue, Pierre, South Dakota.

MEMBERS OF THE BOARD IN ATTENDANCE BY TELEPHONE

Vice-Chairperson Dana Dykhouse
Secretary/Treasurer Patricia Lebrun
Mr. Roger Musick
Chairperson Casey Peterson
Dr. James Rankin, *ex-officio member*
Vice-Chairperson Ron Wheeler
Dr. Robert Wilson

MEMBERS OF THE BOARD ABSENT

Dr. Ani Aprahamian

SDSTA STAFF IN ATTENDANCE

Mr. Tim Engel, Legal Counsel (by phone)
Ms. Nancy Geary, Chief Financial Officer
Mr. Mike Headley, Executive Director (by phone)
Ms. Mandy Knight, Administrative Services Manager
Ms. Natasha Wheeler, Administrative Assistant

GUESTS IN ATTENDANCE

No guests present.

ITEM 1. CALL TO ORDER

Chair Casey Peterson called the meeting to order at 9:30 a.m. (MT). Chair Peterson declared a quorum was present, consisting of board members Mr. Dykhouse, Ms. Lebrun, Mr. Musick, Chairperson Peterson, Mr. Wheeler and Dr. Wilson. Ex-officio member Dr. Rankin was also present. Dr. Aprahamian was absent.

Chair Peterson asked participants at the listening posts in Pierre and Lead to identify themselves. There was no response at the Pierre listening post. SDSTA staff listed above were present at the Lead office, except SDSTA Legal Counsel Mr. Tim Engel and Executive Director Mr. Mike Headley who joined by phone.

ITEM 2. APPROVE AGENDA

Chair Peterson asked for a motion to approve the agenda.

Motion by Mr. Dykhouse and second by Mr. Musick to approve the agenda as presented. By roll call vote, the motion passed unanimously.

ITEM 3. GENERAL CONFLICT OF INTEREST DISCLOSURE

Mr. Engel said it has been a recommendation of the Board of Internal Control that a general conflicts of interest disclosure be included on public board agendas. He opened the floor for any member of the board, who feels they have anything that might be construed to be a conflict of interest, to disclose it.

No conflicts of interest were disclosed.

ITEM 4. DISCUSSION OF SUPPLEMENTAL NO. 2 TO TEMPORARY CONSTRUCTION EASEMENT

Mr. Engel reminded the board they authorized SDSTA to enter into a temporary construction easement with the Department of Energy (DOE) to facilitate the construction of the Long-Baseline Neutrino Facility/Deep Underground Neutrino Experiment (LBNF/DUNE) project. The agreement was supplemented in June of 2017 to add additional property to the easement area. DOE has asked that SDSTA further increase the easement area. Mr. Engel referred to Supplemental Agreement No. 2 in the board packet and explained it does not change the substance of the easement, but it increases the available area. He added that there will be a significant area of shared space. The easement is non-exclusive, meaning one party's use of the easement area cannot exclude the other, and neither party can unreasonably hinder the other's use of the area.

Dr. Wilson raised a question about easement usage and exclusive access, asking if there would be any future challenges with DOE agreements or subcontractors relevant to the area? Mr. Engel stated the easement is non-exclusive, but should any additional access be granted, it would need to be ensured that access was not a hinderance to current parties. He also added that access under the easement to DOE is limited to access for purposes of the LBNF/DUNE project.

Mr. Headley stated the changes to the easement better define the project area, as the designs have advanced. He said, this supplement ensures access to the correct work areas for the project to continue.

Ms. Lebrun asked about above-ground and below-ground areas related to the easement. Mr. Headley confirmed it includes both and directed the board to the exhibit included in the board packet, noting that locations are written in the lower-right hand corner of the illustrated pages.

Motion by Mr. Wheeler and second by Ms. Lebrun to approve the Temporary Construction Easement – Supplemental No. 2 with the DOE/LBNF Project and authorize Chairperson Peterson to sign the agreement. By roll call vote, the motion passed unanimously.

ITEM 5. PUBLIC COMMENTS

Chairperson Peterson asked if there were any questions or comments from the public. There were none.

ITEM 6. ADJOURN

Chair Peterson reminded board members the next regularly scheduled board meeting will be held on Thursday, March 21 at 8:00 a.m. (MT) in the Education and Outreach Building, and called for a motion to adjourn.

Motion by Mr. Dykhouse and second by Dr. Wilson to adjourn. By roll call vote, the motion passed unanimously.

Meeting adjourned at 9:48 a.m. (MT) on February 21, 2019.